

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL FLEMING,

Plaintiff,

v.

WAYNE COUNTY JAIL, et. al.,

Defendant(s).

Civil Action No.

19-cv-12297

MARK A. GOLDSMITH

UNITED STATES DISTRICT JUDGE

OPINION AND ORDER OF SUMMARY DISMISSAL

Plaintiff Michael Fleming filed a pro se civil rights complaint filed pursuant to 42 U.S.C. §§ 1981 and 1983. Plaintiff is an inmate currently confined at the Bellamy Creek Correctional Facility in Ionia, Michigan. On October 2, 2019, Magistrate Judge R. Steven Whalen signed an order directing plaintiff to provide twenty-two additional copies of his complaint in order to effect proper service upon the defendants. Plaintiff was given thirty days to respond to the order. On March 2, 2020, this Court granted plaintiff a thirty-day extension to provide the service copies. To date, plaintiff has not complied with the Court's order.

An inmate bringing a civil rights complaint must specifically identify each defendant against whom relief is sought, and must give each defendant notice of the action by serving upon him or her a summons and copy of the complaint. Feliciano v. DuBois, 846 F. Supp. 1033, 1048 (D. Mass. 1994). Where a plaintiff is proceeding in forma pauperis, the district court must bear the responsibility for issuing the plaintiff's process to a United States Marshal's Office, which must effect service upon the defendants once the plaintiff has properly identified the defendants in the complaint. Williams v. McLemore, 10 F. App'x. 241, 243 (6th Cir. 2001); Byrd v. Stone, 94 F. 3d 217, 219 (6th Cir. 1996); Fed. R. Civ. P. 4(c)(2); 28 U.S.C. § 1915(d).

The Court will dismiss the complaint for want of prosecution, because of plaintiff's failure to comply with Magistrate Judge Whalen's order by failing to provide the requested copies needed to effect service upon the defendants. See Erby v. Kula, 113 F. App'x. 74, 75-6 (6th Cir. 2004); Davis v. United States, 73 F. App'x. 804, 805 (6th Cir. 2003).

Plaintiff's complaint is dismissed without prejudice to Plaintiff re-filing a new complaint in this matter. Plaintiff's motion for appointment of counsel (Dkt. 17) is dismissed as moot.

SO ORDERED.

Dated: September 3, 2020
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 3, 2020.

s/Karri Sandusky
Case Manager